

The February 2005 solicitor's opinion determined that SNPLMA funds are appropriated funds and specified that advance payments are prohibited unless a specific appropriation or other law authorizes it. Because SNPLMA does not authorize advance payments, agencies are expected to identify quarterly transfer amounts consistent with how much they anticipate being able to either expend or obligate during that quarter. The process outlined in Appendix L includes an explanation of provisions in the transfer request and report spreadsheets to monitor the use of transferred funds by the agencies compared to the percent completion for the project, and provides for the ability to delay future transfers until the utilization of funds and project progress become more closely aligned. These determinations would be made in consultation between the SNPLMA Division, the receiving agency, and the Partners Working Group.

The processes and requirements for requesting project modifications (additional funds, change in scope, time extensions, on-hold status, or termination) are the same for projects funded by 1151 Transfer as for projects funded through the obligation and reimbursement process described in the next section. If the policies and procedures outlined in this Implementation Agreement, including requirements for modifying projects, are not met, transfer of funds may be delayed and/or projects could even be subject to termination. The processes and requirements for modifying projects, including termination, are outlined below in Section X.

Although the next section outlines the processes and procedures for obligating funds for reimbursement as opposed to receiving transferred funds, it also contains general information on how funds are allocated to the different categories, notification of availability of funds, etc. that apply equally to projects which will be funded by 1151 Transfer.

## **IX. SPECIAL ACCOUNT OBLIGATION AND REIMBURSEMENT PROCESS FOR ALL PROJECT CATEGORIES**

This section applies to all project categories and the term "project" throughout is to be taken to mean any undertaking approved under any of the categories, including acquisition of lands and interests in land. The section describes the process associated with implementing the Secretaries' decisions for spending funds in the Special Accounts by reimbursement pursuant to the Economy Act (31 U.S.C. 1535) utilizing Intra-Governmental Orders (IGOs) or pursuant to a master cooperative agreement with a local or regional governmental entity for task orders. Projects which commenced prior to implementation of the 1151 Transfer Process described above were all funded through this process and may be completed under this reimbursement process. Projects approved in Round 6 and forward may, if in the best interest of the agency, be carried out under the reimbursement process pursuant to the Economy Act even if the agency is otherwise eligible for 1151 Transfers.

All project categories utilizing the obligation and reimbursement process shall submit reimbursement request packages at logical phases of the projects, generally considered to be quarterly or at other logical phases based on timing of contract payments, etc. as identified in the obligating document (IGO or task order) in consultation with the Program Manager for the applicable category. The reimbursement process described here is designed to ensure that funding allocated under the Acts is spent for the intended purposes. It specifies the

documentation required to initiate a project and to receive payment for the project necessary expenses.

Although the section applies to obligation and reimbursements for all categories, there are slight differences in the steps to complete an acquisition project compared to the steps to complete projects in the other categories. Therefore, two separate figures are included to more clearly identify these steps.

Figure 4 depicts the process for completing a land acquisition (Process Flow Chart: Land Acquisitions). Each box represents a step in the process that is described above. The first box depicted on the flow chart is identical to the final step in the Recommendation Development Process, in which the Secretaries approve the final decisions regarding all planned expenditures of SNPLMA and FLTFA funds for the coming year. The description of the realty-related actions to purchase land is general and may vary somewhat by agency.

Figure 5 depicts the process for completing capital improvements; parks, trails, and natural areas; conservation initiatives; and development of a MSHCP (Process Flow Chart: Projects). The first box depicted on the flow chart is identical to the final step in the Recommendation Development Process, in which the Secretary of the Interior approves the final decision regarding all planned expenditures of the SNPLMA funds for the coming year and the Secretary of the Interior and the Secretary of Agriculture jointly approve the final decision regarding all planned expenditures of the FLTFA funds.

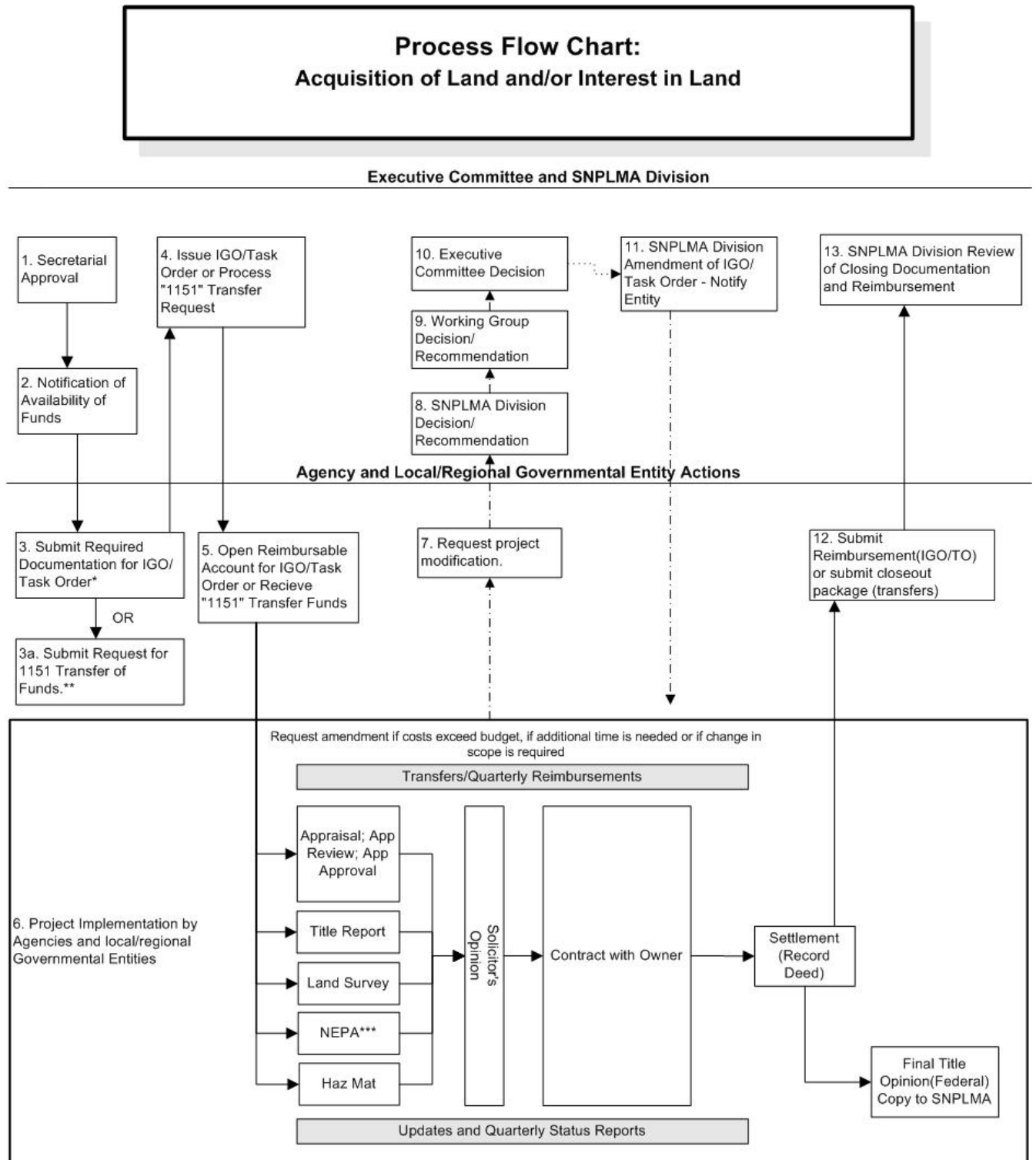
The SNPLMA Division will allocate the funds to each category according to the priorities and the availability of funds in the Special Accounts. The budgeted amount remains available in each of the project categories until expended.

### **Submit Required Documentation to Request Inter-Governmental Order/Task Order**

The SNPLMA Division will notify the Federal agencies and local/regional governmental entities of the Secretaries' decisions. All projects are funded in the order approved by the Secretaries as revenue accumulates in the Special Accounts for distribution between all project categories. The SNPLMA Division will notify the agencies/entities when the balance of the applicable Special Account(s) is sufficient to fund a particular project. However, if the Secretary approves priority funding for one or more expenditure categories as part of the Decision Document for any given Round, revenue accumulated in the SNPLMA Special Account will be distributed to those categories in the priority order authorized by the Secretary before funds are distributed to the other categories.

Following notification of availability of funds, the Federal agencies prepare and submit to the SNPLMA Division, a package of the required documentation to request an Intra-Governmental Order (IGO) which constitutes an inter-/intra-agency agreement and replaces the task orders formerly issued under blanket inter-/intra-agency agreements between BLM and the other three

**FIGURE 4**

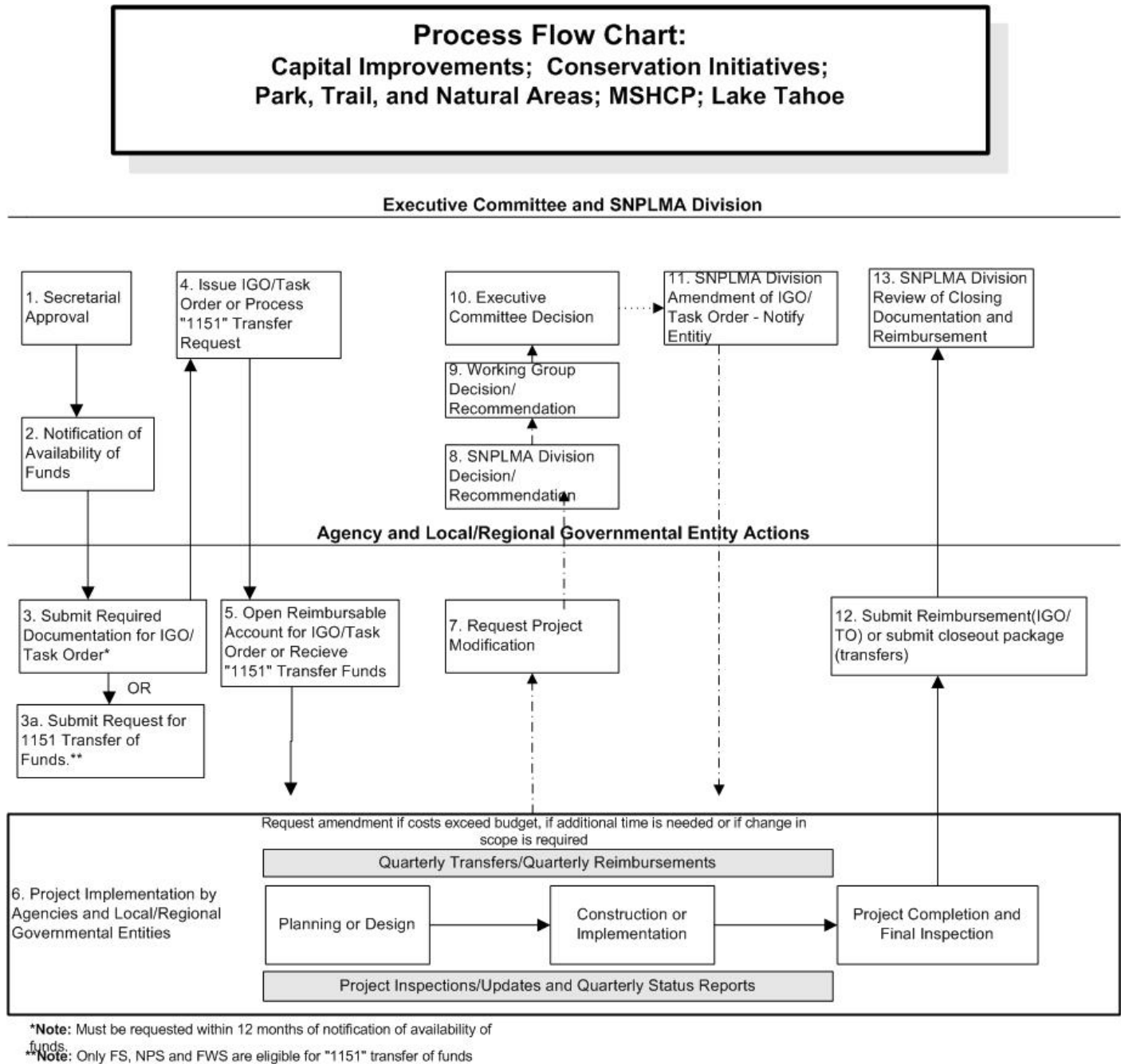


\*Note: Must be requested within 12 months of notification of availability of funds.

\*\*Note: Only FS, NPS and FWS are eligible for "1151" transfer of funds.

\*\*\*Note: Required for BLM acquisitions; may be required for other Federal acquisitions and for PTNA acquisitions.

**FIGURE 5**



Federal Agencies. The BLM submits documentation for an “internal” task order which documents the obligation of funds, terms and conditions, and time frames just as an IGO does with the other Federal agencies. Local and regional governmental entities submit documentation for a task order (utilizes a form titled “Assistance Agreement”) against the master

Cooperative Agreement with BLM. The agency/entity has one year from the date of notification of funding to submit the documentation required to open an IGO/task order.

The estimated necessary expense sheets can be found in Appendix B-1 through B-7, and a list of examples of Other Necessary Expenses is found at Appendix B-9. Except for acquisitions, the estimated expense sheet includes estimated milestone dates and estimated completion date (B3 to B-7). The completion time for all project categories will be specified in the IGO/Task Order and, except for lands, will be based on the estimated time-frames provided by the agency/entity for the major milestones. Land acquisitions will receive an IGO/task order time frame of two years to complete the acquisition.

All IGO/Task Order requests should include the contingency reserve funds unless it is known that these additional funds will not be needed. Once the Task Order is issued, the contingency reserve will no longer be available. Once documentation is submitted the SNPLMA Division, BLM contracting, and agency/entity contracting must make every effort to execute the IGO as soon as reasonably possible.

### **Review and Process the Request for Intra-Governmental Order/Task Order**

Upon receiving the required documentation, the SNPLMA Division will review the request for accuracy and coordinate, if necessary, with the agency/entity to complete the request package. When the request is complete, the SNPLMA Division submits the draft IGO/task order to the BLM Contracting Office at the BLM Nevada State Office, which will finalize and issue the IGO/task order for signature.

The IGO/task order is first signed by an authorized representative of the recipient agency/entity and then by the BLM Contracting Officer. The IGO/task order obligates the total available funding from the applicable Special Account(s) for the specific project. BLM executes internal task orders which are then submitted to the SNPLMA Accountant at the National Business Center in Denver to obligate the funds. The internal task orders are signed first by the field manager of the requesting BLM field office and then by the SNPLMA Division program manager for the applicable category. The program manager then transmits the executed task order to the SNPLMA Accountant to finalize the obligation and establishment of the internal reimbursable account.

The only category which may do multiple IGOs or task orders for a single project is Conservation Initiatives. Each agency involved in an Inter-agency Conservation Initiative will require a separate IGO or task order to conduct its portion of Conservation Initiative project. Project teams should determine the portion of total project funds available that will be required by each agency for its part of the project, so that each agency receives only one IGO/task order for each project in which it's involved.

The agencies are to ensure that their reimbursable account number is provided to the BLM contracting officer or identified on the IGO by the agency authorized representative before signing the IGO and returning to the BLM Contracting Officer for signature.

Agencies/entities should make every effort to execute IGOs and task orders within 60 days of submission to them for signature. Projects may be considered for termination if IGOs and task orders are not executed in a timely manner. Projects terminated for this reason may be re-submitted in a subsequent round when the agency is ready to move forward.

### **Agencies Open Reimbursable Account**

An IGO allows individual agencies to open a reimbursable account for the project. Agencies may then charge necessary expenses against this account. BLM Task Orders are assigned an internal-reimbursable account by the BLM National Business Center and necessary expenses are then charged against the internal reimbursable account. BLM's internal reimbursable account number is provided on the task order when presented to the BLM field office for signature.

Use of a reimbursable account is authorized under the Economy Act. A reimbursable account is more like a charge account than a checking account. The reimbursable account is backed by an agreement (IGO/task order) to pay at logical stages of the project during its implementation (generally quarterly) when all documentation is in order and accepted by the SNPLMA Division. Reimbursable accounts are generally "no-year" accounts, so they need not be settled at the end of a fiscal year. The funding to cover necessary expenses will come from the applicable Special Account(s). Agencies shall submit requests for quarterly reimbursement of necessary expenses incurred, or at other logical stages of the project as stated in the IGO/task order. However, only costs incurred after the Secretaries' approval of are reimbursable.

### **Prepare and Submit Reimbursement Request Package for IGO/Task Order**

The agency/entity will prepare and submit to the SNPLMA Division quarterly reimbursement requests (or on other logical time frame specified in the IGO/task order) for incurred necessary expenses during implementation of the project. Once the project is complete, the agency will prepare and submit a final reimbursement/payment documentation package and will make every effort to submit this package within 60 days of completion of the project. Both quarterly and final packages shall contain the information and documentation specified in Appendix H for IGOs and task orders. (See Appendix L for information on payment of quarterly transfers and close-out requirements for projects funded by 1151 transfers.) Documentation requirements to open an IGO/task order and to request reimbursements are detailed in Appendix H through H-5.

The SNPLMA Division will review the reimbursement package to ensure all necessary documents are included as outlined in Appendix H, and determine the acceptability and accuracy of necessary expenses based on documentation submitted or additional information requested. When the reimbursement package is deemed complete and appropriate, the SNPLMA Division will accept the package and notify the agency of the acceptance and approved amount to initiate an IPAC for payment. The Division will maintain a file copy to support disbursement from the Special Account, and submit documentation and a payment authorization memo to the NSO for approval and coordination with the SNPLMA Accountant at the National Business Center for payment. No funds will be reimbursed for expenditures made prior to the Secretary's approval of the project. Necessary expenses incurred after the Secretarial approval, but prior to issuance of a notification of available funding, IGO/task order, or Transfer are reimbursable.

In addition to submitting the reimbursement documentation and payment authorization to the NSO, the SNPLMA Division will at the same time prepare a reimbursement acceptance letter to the requesting agency/entity. The letter will include the amount to be paid and, if appropriate, the amount to be de-obligated. It will also advise the Federal agencies to initiate the IPAC billing and request that the agency notify the NBC of the IPAC bill number. A copy of this letter will be sent to the NBC in order to ensure that there is sufficient cash available from investments to cover the upcoming IPAC or payment disbursement. When an IPAC bill is processed, the NBC will fax a copy of the IPAC bill to the LVFO for the project file. For other forms of payment, the NBC will provide an email or other written confirmation that the payment has been made.

### **Reimbursement/Payment for Projects Which Cannot Be Completed**

In those instances where a project cannot be completed and termination has occurred as described below, the agency/entity should prepare and submit to the SNPLMA Division a reimbursement package for necessary expenses for projects under reimbursement. Agencies should make every effort to submit the reimbursement package, or transfer payment close out documentation as outlined in the transfer process above, within 60 days of such notification.

Regardless of whether the project is funded under IGO/task order or under 1151 Transfers, the following rules apply for projects approved for termination:

- If non-completion is without the fault or negligence of the recipient, as agreed to by the Agency and the BLM or by the local or regional governmental entity and the BLM, all past payments made under previous IGO/task orders shall remain with the recipient as reimbursement for costs incurred. Excess funds obligated by the IGO/task order shall be de-obligated for use by other approved projects within the same category.
- If non-completion is without the fault or negligence of the recipient, as agreed to by the agency and the BLM all necessary expenses incurred and paid with prior transferred funds shall remain with the recipient as reimbursement for costs incurred; excess transferred funds shall be returned.
- If the non-completion is due to the fault or negligence of the recipient, as agreed between the agency and the BLM or by the local or regional governmental entity and the BLM, all past payments made under previous task orders shall be repaid by the recipient to the SNPLMA Special Account and credited to the same category account as the terminated project for use by other approved projects within the same category.

## **X. REQUESTING PROJECT MODIFICATIONS**

The SNPLMA Division is the primary coordination point for the submission of all project modification requests. The Division performs an initial review of all requests and coordinates with the agency/entity to gather any additional information which may be required to complete